

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

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KONSTANTINOS VADEVOULIS, JIM
VADEVOULIS, and PAUL VADEVOULIS,
Plaintiffs, : Case No. 08 C 1251
v. : Hon. Joan H. Lefkow
DEUTSCHE BANK AG, DEUTSCHE BANK
SECURITIES, INC., D/B/A DEUTSCHE BANK
ALEX. BROWN, and AMERICAN EXPRESS
TAX AND BUSINESS SERVICES, INC., N/K/A
RSM MCGLADREY LLC,
Defendants. :
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**DEFENDANTS DEUTSCHE BANK AG AND DEUTSCHE BANK
SECURITIES INC.'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

Defendants Deutsche Bank AG and Deutsche Bank Securities Inc. (collectively known hereafter as "Defendants"), by and through their attorneys and pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b), hereby move to dismiss with prejudice Plaintiffs' Complaint. In support of their Motion, Defendants state as follows:

1. In their Complaint, Plaintiffs Konstantinos Vadovoulis, Jim Vadovoulis, and Paul Vadovoulis assert claims against Defendants for (i) civil conspiracy; (ii) common law fraud; (iii) negligent misrepresentation; (iv) violations of the Illinois Consumer Fraud and Deceptive Business Practices Act; and (v) assisting in the breach of fiduciary duty.

2. Plaintiffs' Complaint does not state a claim upon which relief can be granted. In addition, four of Plaintiffs' claims are time-barred. As a result, all of the

claims asserted against Defendants fail as a matter of law and should be dismissed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

3. In addition to having these substantive defects, Plaintiffs' fraud-based claims are not pleaded with the particularity required by Federal Rule of Civil Procedure 9(b). Accordingly, Plaintiffs' fraud-based claims should be dismissed for this reason as well.

4. In support of this Motion, Defendants also submit a simultaneously-filed Memorandum of Law in Support of Their Motion to Dismiss.

WHEREFORE, Defendants respectfully move this Court to enter an Order dismissing all claims brought in this action with prejudice for Plaintiffs' failure to state a cognizable claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and failure to plead the fraud-based claims with the particularity required by Rule 9(b) of the Federal Rules of Civil Procedure.

Dated: May 14, 2008

Respectfully submitted,

DEWEY & LeBOEUF LLP

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